

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEAN BLACK,	§
	§ No. 419, 2009
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ C.A. No. 09M-07-018
	§
Respondent Below-	§
Appellee.	§

Submitted: November 2, 2009

Decided: November 6, 2009

**ORDER**

This 6<sup>th</sup> day of November 2009, it appears to the Court that, on October 19, 2009, the Clerk of the Court issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely

Justice